

HOUSE JOURNAL

ALASKA STATE LEGISLATURE

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

Juneau, Alaska

Friday

March 26, 2010

Sixty-seventh Day

Pursuant to adjournment the House was called to order by Speaker Chenault at 10:37 a.m.

Roll call showed 35 members present. Representatives Cissna, Gruenberg, Johansen, and Millett had been excused from a call of the House today. Representative Harris was absent and his presence was noted later.

The invocation was offered by the Chaplain, Father Thomas Weise of Cathedral of the Nativity. Representative P. Wilson moved and asked unanimous consent that the invocation be spread on the journal. There being no objection, it was so ordered.

With the deepest respect for the religious beliefs of all Alaskans, I offer the following prayer.

From the beginning of Psalm 51 (excerpted from *Psalms for Praying* by Nan C. Merrill):

Have mercy on me, O Gracious One, according to your steadfast love; according to your abundant kindness, forgive me where my thoughts and deeds have hurt others. Lead me in the paths of justice, guide my steps on paths of peace!

Teach me, that I may know my weakness, the shortcomings that bind me, the unloving ways that separate me, that keep me from recognizing your life in me; for, I keep company with fear, and dwell in the house of ignorance. Yet, I was brought forth in love, and love is my birthright.

Gracious God, you created us and placed us within families to learn how to love and be loved. We praise you for your goodness; we thank you for your gifts. Bless our state with your love. Raise up in Alaska good and holy families, loving husbands and wives, devoted parents and children. Raise up from our families and friends dedicated and generous leaders who will serve as models in our communities. Amen.

The Pledge of Allegiance was led by Representative Munoz.

CERTIFICATION OF THE JOURNAL

Representative Austerman, Acting Majority Leader, moved and asked unanimous consent that the journal for the 66th legislative day be approved as certified by the Chief Clerk. There being no objection, it was so ordered.

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Representative Lynn introduced David and Jonathan Burgess, Guest Pages, from Anchorage.

MESSAGES FROM THE SENATE

A message dated March 25, 2010, was read stating the Senate passed the following, and they are transmitted for consideration:

FIRST READING AND REFERENCE OF SENATE BILLS

SB 247

CS FOR SENATE BILL NO. 247(L&C) by the Senate Labor and Commerce Committee, entitled:

"An Act extending the termination date of the Board of Pharmacy; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

SB 248

CS FOR SENATE BILL NO. 248(L&C) by the Senate Labor and Commerce Committee, entitled:

"An Act extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

SB 262

SENATE BILL NO. 262 by the Senate Rules Committee by request of the Legislative Budget and Audit Committee, entitled:

"An Act extending the termination date of the Board of Social Work Examiners; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

SB 263

SENATE BILL NO. 263 by the Senate Rules Committee by request of the Legislative Budget and Audit Committee, entitled:

"An Act extending the termination date of the Board of Professional Counselors; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

COMMUNICATIONS

The following were received:

Dept. of Administration
Office of the Commissioner
Monetary Terms of Agreement Between the State and Public
Employees Local 71 Representing the Labor, Trades and Crafts Unit
March 24, 2010
(as required by AS 23.40.215)

Dept. of Administration
Office of the Commissioner
Monetary Terms of Agreement Between the State and the Teachers'
Education Association of Mt. Edgumbe
March 24, 2010
(as required by AS 23.40.215)

The Speaker referred the monetary terms to the Finance Committee.

REPORTS OF STANDING COMMITTEES

HB 251

The Judiciary Committee considered:

HOUSE BILL NO. 251

"An Act relating to liens on vehicles; and providing for an effective date."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 251(JUD)

"An Act relating to liens on vehicles and to towing, transporting, and storage of vehicles; and providing for an effective date."

The report was signed by Representative Ramras, Chair, with the following individual recommendations:

Do pass (2): Lynn, Ramras

No recommendation (3): Herron, Dahlstrom, Holmes

Amend (1): Gatto

The following fiscal note(s) apply to CSHB 251(JUD):

1. Zero, Dept. of Commerce, Community, & Economic Development
2. Zero, Dept. of Transportation & Public Facilities

HB 251 was referred to the Rules Committee for placement on the calendar.

HB 267

The Transportation Committee considered:

HOUSE BILL NO. 267

"An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 267(TRA)

"An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date."

The report was signed by Representative P. Wilson, Chair, with the following individual recommendations:

Do pass (2): T. Wilson, Johnson

Do not pass (2): Munoz, P. Wilson

Amend (1): Petersen

The following fiscal note(s) apply to CSHB 267(TRA):

1. Zero, Dept. of Natural Resources

HB 267 was referred to the Resources Committee.

HB 408

The Judiciary considered:

HOUSE BILL NO. 408

"An Act relating to misconduct involving weapons."

and recommends it be replaced with:

CS FOR HOUSE BILL NO. 408(JUD)

(same title)

The report was signed by Representative Ramras, Chair, with the following individual recommendations:

Do pass (2): Lynn, Ramras

No recommendation (2): Herron, Gatto

The following fiscal note(s) apply to CSHB 408(JUD):

1. Zero, Dept. of Law
2. Zero, Dept. of Public Safety

HB 408 was referred to the Finance Committee.

SB 60

The Judiciary Committee considered:

CS FOR SENATE BILL NO. 60(L&C)

"An Act relating to the Uniform Probate Code, including wills, trusts, nonprobate transfers, augmented estates, personal representatives, and trustees; and amending Rules 3 and 8, Alaska Rules of Civil Procedure, Rule 1, Alaska Rules of Probate Procedure, and Rule 37.5, Alaska Rules of Administration."

The report was signed by Representative Ramras, Chair, with the following individual recommendations:

Do pass (4): Lynn, Herron, Gatto, Ramras

The following fiscal note(s) apply:

2. Zero, Dept. of Law

CSSB 60(L&C) was referred to the Rules Committee for placement on the calendar.

INTRODUCTION OF CITATIONS

The following citations were introduced and referred to the Rules Committee for placement on the calendar:

Honoring - James Lester Lamson
By Representative Johnson; Senator McGuire

Honoring - Seward High School Boys Track Team, 2009 Small
Schools State Track Champions
By Senator Stevens; Representative Seaton

In Memoriam - Geoffrey Feiler
By Representative Gardner; Senator Ellis

In Memoriam - Lloyd Wynell Cannon
By Representative Austerman; Senator Stevens

In Memoriam - Candice Berner
By Senator Hoffman; Representative Edgmon

In Memoriam - Rangvald "Ray" Lind
By Senator Stevens; Representative Seaton

In Memoriam - Lourie Mildred "Jill" Greer
By Senator Stevens; Representative Seaton

In Memoriam - Marlin Grasser
By Senator Bunde

**The presence of Representative Harris was noted.

INTRODUCTION, FIRST READING, AND REFERENCE OF HOUSE RESOLUTIONS

HCR 23

HOUSE CONCURRENT RESOLUTION NO. 23 by the House
Judiciary Committee:

Suspending Rules 24(c), 35, 41(b), and 42(e), Uniform Rules of
the Alaska State Legislature, concerning Senate Bill No. 194,
relating to penalties and civil damages for certain alcohol
violations.

was read the first time and referred to the Rules Committee for placement on the calendar.

**INTRODUCTION, FIRST READING, AND REFERENCE
OF HOUSE BILLS**

HB 421

HOUSE BILL NO. 421 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to the compensation of certain public officials, officers, and employees not covered by collective bargaining agreements; and providing for an effective date."

was read the first time and referred to the Finance Committee.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Administration/All Depts.

The Governor's transmittal letter dated March 25, 2010, follows:

"Dear Speaker Chenault:

Under the authority of Art. III, Sec. 18, of the Alaska Constitution, I am transmitting a bill relating to State employees' compensation.

This bill will revise the salary schedule for State employees who are not covered by collective bargaining agreements. Specifically, the bill will provide for two percent increases in fiscal years 2011, 2012, and 2013. These increases are consistent with the State's parameters for negotiations with the labor unions that represent employees in collective bargaining units. The bill will cover employees in the executive, legislative, and judicial branches.

I urge your prompt and favorable action on this measure.

Sincerely,

/s/

Sean Parnell

Governor"

HB 422

HOUSE BILL NO. 422 by the House Rules Committee by request of the Governor, entitled:

"An Act relating to a corporation income tax credit for contributions to a qualified trade association awarded a contract by the Department of Commerce, Community, and Economic Development for planning and executing a destination tourism marketing campaign made by a person that derives income from the sale of goods or services to visitors to the state; relating to the excise tax on passengers traveling on commercial passenger vessels providing overnight accommodations in the state's marine waters; and providing for an effective date."

was read the first time and referred to the Finance Committee.

The following fiscal note(s) apply:

1. Fiscal, Dept. of Commerce, Community, & Economic Development
2. Fiscal, Dept. of Revenue
3. Fiscal, Dept. of Revenue

The Governor's transmittal letter dated March 25, 2010, follows:

"Dear Speaker Chenault:

Under the authority of Art. III, Sec. 18, of the Alaska Constitution, I am transmitting a bill that provides for (1) a corporate income tax credit for contributions to the qualified trade association that plans and executes a destination tourism marketing campaign, and (2) amendments to the commercial passenger vessel excise tax program to reduce the tax rate and provide for a periodic review of the tax rate to ensure that it remains commensurate with costs of hosting passengers in Alaska.

After decades of steady growth in cruise ship passenger visits to Alaska, Alaska is facing a 17 percent decline in cruise visitation this summer. Currently, that would translate into 140,000 fewer passengers coming here during the four-month cruise season, fewer Alaska jobs, and less revenue for Alaska's small businesses. In recognition of the

significant impact this decline in cruise ship travel has on Alaska, I propose legislation to increase tourism marketing through a corporate income tax credit mechanism, and a reduction of the excise tax imposed upon passengers visiting Alaska by cruise ship. I am also proposing a periodic review to assess the projected community needs and use of appropriations to safely and efficiently host visitors in Alaska.

We can grow our economy by bringing more visitors to fuel our own Alaska businesses. In short, we should make Alaska a more affordable destination and send a message that we welcome travelers.

I urge your prompt and favorable action on the bill.

Sincerely,

/s/

Sean Parnell
Governor"

CONSIDERATION OF THE DAILY CALENDAR

SECOND READING OF HOUSE BILLS

HB 253

The following was read the second time:

HOUSE BILL NO. 253

"An Act relating to the time periods affecting certain liens related to providing labor, material, service, or equipment to real property, including buildings and other improvements."

with the:

Journal Page

L&C RPT 5DP	1646
FN1: ZERO(CED)	1647
JUD RPT 6DP	1738
FN1: ZERO(CED)	1738

Representative Austerman moved and asked unanimous consent that HB 253 be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

HB 253 was read the third time.

The question being: "Shall HB 253 pass the House?" The roll was taken with the following result:

HB 253
Third Reading
Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0

Yeas: Austerman, Buch, Chenault, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gatto, Guttenberg, Harris, Hawker, Herron, Holmes, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

Excused: Cissna, Gruenberg, Johansen, Millett

And so, HB 253 passed the House and was referred to the Chief Clerk for engrossment.

HB 366

The following was read the second time:

HOUSE BILL NO. 366

"An Act relating to indemnification agreements that relate to motor carrier transportation contracts."

with the:

Journal Page

TRA RPT CS(TRA) 5DP 1NR	1714
FN1: ZERO(DOT)	1715
JUD RPT CS(JUD) 7DP	1814
FN1: ZERO(DOT)	1814

Representative Austerman moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR HOUSE BILL NO. 366(JUD)
(same title)

There being no objection, it was so ordered.

Representative Austerman moved and asked unanimous consent that CSHB 366(JUD) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSHB 366(JUD) was read the third time.

The question being: "Shall CSHB 366(JUD) pass the House?" The roll was taken with the following result:

CSHB 366(JUD)

Third Reading

Final Passage

YEAS: 36 NAYS: 0 EXCUSED: 4 ABSENT: 0

Yeas: Austerman, Buch, Chenault, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N.Foster, Gara, Gardner, Gatto, Guttenberg, Harris, Hawker, Herron, Holmes, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P.Wilson, T.Wilson

Excused: Cissna, Gruenberg, Johansen, Millett

And so, CSHB 366(JUD) passed the House and was referred to the Chief Clerk for engrossment.

THIRD READING OF HOUSE BILLS

HB 3

The following, which was advanced to third reading from the March 25, 2010, calendar (page 1885), was read the third time:

CS FOR HOUSE BILL NO. 3(FIN)

"An Act relating to issuance of identification cards and to issuance of driver's licenses; relating to regulations concerning identification cards and driver's licenses; and providing for an effective date."

The Speaker stated that, without objection, CSHB 3(FIN) would be held in third reading to the March 29, 2010, calendar.

LEGISLATIVE CITATIONS

Representative Austerman moved and asked unanimous consent that the House approve the citations on the calendar. There being no objection, the following citations were approved and sent to enrolling:

Honoring - Dirk Nickisch, Red Cross Hero

By Representatives Salmon, Chenault, Austerman, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson; Senator Kookesh

Honoring - Krystie DePue, Red Cross Hero

By Representatives Salmon, Chenault, Austerman, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson; Senator Kookesh

Honoring - Kwigillingok Volunteer Child Protection Team

By Representatives Herron, Fairclough, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson; Senator Hoffman

Honoring - Dirk Tordoff

By Senator Thomas; Representatives Kelly, Guttenberg, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

In Memoriam - Clinton Lee Zaverl

By Representatives Joule, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson; Senator Paskvan

In Memoriam - Juanita Lou Helms

By Senator Thomas; Representatives Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson, T. Wilson

In Memoriam - Virginia 'Ginny' Lou Watkins Howell

By Senator Coghill; Representatives T. Wilson, Chenault, Buch, Cissna, Crawford, Dahlstrom, Doogan, Edgmon, Fairclough, N. Foster, Gara, Gardner, Gatto, Gruenberg, Guttenberg, Harris, Hawker, Herron, Holmes, Johansen, Johnson, Joule, Kawasaki, Keller, Kelly, Kerttula, Lynn, Millett, Munoz, Neuman, Olson, Petersen, Ramras, Salmon, Seaton, Stoltze, Thomas, Tuck, P. Wilson,

UNFINISHED BUSINESS

Representative Austerman moved and asked unanimous consent that the following member be excused from a call of the House. There being no objection, the member was excused as noted:

Representative Ramras – from evening plane time, March 26 to morning plane time, March 29

SB 43

Representative Munoz added her name as cross sponsor to:

SENATE BILL NO. 43

"An Act adding a second verse to the official Alaska state song."

ENGROSSMENT**HB 253**

HB 253 was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

HB 366

CSHB 366(JUD) was engrossed, signed by the Speaker and Chief Clerk, and transmitted to the Senate for consideration.

ENROLLMENT**HJR 24**

The following was enrolled, signed by the Speaker and Chief Clerk, President and Secretary of the Senate, and the engrossed and enrolled copies were transmitted to the Office of the Governor at 11:04 a.m., March 26, 2010, with a manifest error memorandum (page 1891):

HOUSE JOINT RESOLUTION NO. 24

Urging the United States Congress and the United States Department of Agriculture to extend the basic housing allowance exclusion to all military families for purposes of the school nutrition program.

Legislative Resolve No. 32

ANNOUNCEMENTS

House committee schedules are published under separate cover.

ADJOURNMENT

Representative Austerman moved and asked unanimous consent that the House adjourn until 11:00 a.m., March 29, 2010. There being no objection, the House adjourned at 11:22 a.m.

Suzi Lowell
Chief Clerk